

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

ANDREW JAMISON

PLAINTIFF

V.

CIVIL ACTION NO. 4:20-CV-00180-RP

CMCF MEDICAL DEPARTMENT,
CENTRAL MISSISSIPPI CORRECTIONAL FACILITY,
RON KING, BURL CAIN, and MILLER

DEFENDANTS

ORDER DIRECTING CLERK TO OPEN A
HABEAS CORPUS CASE WITH THE PRESENT COMPLAINT

This matter comes before the Court on the *pro se* complaint of Andrew Jamison, who challenges the conditions of his confinement under 42 U.S.C. § 1983. In his complaint, Jamison alleges a number of civil rights violations related to his status as a prisoner, as well as an allegation that his Post-Release Supervision has been unlawfully revoked. As relief, Jamison seeks early release from custody and monetary damages against various defendants. Because this case contains elements of both a prisoner civil rights suit under 42 U.S.C. § 1983 and a habeas corpus proceeding under 28 U.S.C. § 2254, the court will permit it to proceed—as separate suits—in both ways. Plaintiff's claim regarding the alleged unlawfully revoked Post-Release Supervision is, therefore, **DISMISSED without prejudice** from the instant cause number, and such claim shall be addressed *only* in the newly-opened habeas proceeding as directed below.

As such, the Clerk of Court is **DIRECTED** to open a separate case under 28 U.S.C. § 2254 on the court's docket using the complaint in the instant case. The Clerk of Court is additionally **DIRECTED** to send the plaintiff a paper form for initiating a petition under Section 2254, as well as a form for proceeding *in forma pauperis* in the new case. The Plaintiff must

return a completed copy of the forms within thirty (30) days from the date of this Order.¹

Plaintiff's failure to do so may result in the dismissal of the separate habeas action.

SO ORDERED, this the 14th day of December, 2020.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE

¹Plaintiff's habeas petition, if returned, will be deemed "filed" as of the date that it is given to prison officials for mailing.